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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8121

UNITED STATES OF AMERICA, Plaintiff, vs. Adrian MONTOYA-Cabrera Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about February 10, 2008, within the Southern District of California, defendant Adrian MONTOYA-Cabrera did knowingly and intentionally import approximately 39.72 kilograms (87.38 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11TH, DAY OF FEBRUARY 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Adrian MONTOYA-Cabrera

STATEMENT OF FACTS

This complaint is based on the reports, documents, notes furnished to, and interviews conducted by U.S. Immigration and Customs Enforcement Special Agent Daryl Christensen.

On February 10, 2008, at approximately 1235 hours, Adrian MONTOYA-Cabrera entered into the United States at the Calexico, California, East Port of Entry, from the Republic of Mexico. MONTOYA-Cabrera was the registered owner, and sole occupant of the 1998 Ford Explorer.

At primary inspection, MONTOYA-Cabrera presented his valid Border Crossing Card to Customs and Border Protection Officer (CBPO) T. Payne and stated that he was going to Wal-Mart. During primary questioning, MONTOYA-Cabrera gave negative Customs declarations. CBPO Payne conducted a primary inspection of the vehicle and noted that the gas tank of the vehicle sounded solid when tapped and the protective covering was missing. The vehicle and MONTOYA-Cabrera were escorted to secondary inspection where CBPO D. Ragsdale utilized his Narcotic Detector Dog, which resulted in an alert to the rear of the vehicle.

During the secondary inspection, CBPO Payne discovered a fabricated compartment in the rear of the vehicle. CBPO Payne recovered ten (10) packages from this compartment. A search of the gas tank resulted in the discovery of eighteen (18) packages for a total of twenty-eight (28) packages discovered in the vehicle.

One of the packages was probed, producing a green leafy substance, which field-tested positive for marijuana. The twenty-eight packages of marijuana had a total weight of 39.72 kilograms (87.38 pounds).

MONTOYA-Cabrera was advised of his Miranda rights, which he acknowledged and waived. MONTOYA-Cabrera admitted knowledge of the marijuana contained in the vehicle and an expected payment of $300.00 for crossing the vehicle into the United Stated from Mexico.